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CLDC to Represent Environmental and Human Rights Lawyer Steven Donziger

By Lauren Regan | May 18th, 2020 | Categories: Cases, Current Cases, Featured, News, Projects and Cases | Tags: climate justice, environmental rights, Featured, government repression



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Eugene, OR — On May 15, 2020, Civil Liberties Defense Center's Executive Director & Senior Staff Attorney, Lauren Regan, officially joined Steven Donziger's legal team as a lead trial attorney. In addition to Regan and former New York federal prosecutor Andrew Frisch, the team now includes nationally known trial lawyers Richard Friedman (WA), Zoe Littlepage (TX), and Aaron Marr Page (DC). Donziger, an environmental and human rights lawyer, dared to take on Chevron for its egregious

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environmental destruction of the Ecuadorian Amazon on behalf of indigenous peoples and local communities, and in response, Chevron vowed to destroy him.

After an immense legal battle—20 long years—with the multinational fossil fuel giant, Donziger was successful in helping the Indigenous people of the region win a massive \$9.5 billion judgment. This is the largest known amount in damages in an environmental case from a trial. The funds were awarded to remediate decades of toxic contamination of the region's waterways, which caused cancer and a host of other serious health problems. Unfortunately, these problems continue to this day, as Chevron continues to pollute the Ecuadorian Amazon with impunity, and has not paid a dime toward the court-ordered cleanup. The judgment against Chevron has been affirmed in whole or in part by at least six appellate courts in the countries of Ecuador, Canada, and the United States, and efforts to enforce the ruling continue.

"This case is not just about attorney Steven Donziger," said CLDC Attorney Regan. This is clearly a test case put forth by one of the largest multinational fossil fuel corporations in the world to intimidate and chill other lawyers from bringing environmental lawsuits against the industry responsible for exacerbating catastrophic global climate change. This is the fossil fuel industry again using its obscene monetary power to try and prevent litigants from accessing skilled lawyers to seek justice from the Courts and legal system. An attack on one is an attack on all. Public interest lawyers and allies around the world are paying close attention to this extremely perverse miscarriage of justice and will stand in solidarity with Attorney Donziger. You can bet the fossil fuel industry is watching as well, and if this is a tactic that they see working to their benefit, you will see more public interest lawyers targeted in this way."

After years of shameful civil litigation, Judge L. Kaplan, US District Court Judge for the Southern District of New York, appeared to do the bidding of Chevron by demanding that federal criminal contempt charges be filed against Donziger on issues that at the time were on a civil appeal. The civil contempt appeal stems mostly from attorney Donziger's refusal to turn over his computers and other attorney-client privileged materials to Chevron, including legal strategy and other critical confidential information that the fossil fuel industry would love to get its oily hands on—one of many examples of Chevron attempting to chill and intimidate environmental and indigenous activists from engaging or participating in litigation. The United States Attorney's office rejected the criminal contempt charges, so contrary to the normal rules and procedures of an impartial tribunal, Judge Kaplan appointed both his own judge, and a private law firm with financial ties to Chevron, Seward & Kissel, to prosecute the case. Chevron has been a client of the Seward firm as recently as 2018, but the main Seward partner "prosecuting" the case refused to disclose that fact for months as she pushed for Donziger's pre-trial detention. It is also thought that Kaplan knew of Seward's connection to Chevron and still appointed the firm as prosecutor in the name of the U.S. government.

To our knowledge, Donziger is the only lawyer in U.S. history ever to be detained pre-trial for a contempt charge. Further, the longest sentence for a lawyer convicted of criminal contempt in New York is 90 days of home confinement—Donziger has been detained for over three times that time period. Judge Kaplan also took the unprecedented step of requiring that Donziger post an \$800,000 bond, that he surrender his passport, and wear an ankle monitor in his NY apartment where he is



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forced to remain while his case readies for trial on June 15, 2020, amidst a global pandemic. Donziger's powerful and experienced legal team will expose the injustice being wrought by Chevron and its abettors. "Multinational fossil fuel corporations, like Chevron, who have profited off of climate change and think their money allows them to destroy with impunity and vitiate our justice system," said attorney Regan. "They must be exposed and thwarted."

All of these facts come together to illustrate an unacceptable vendetta against a respected environmental and human rights lawyer and champion for climate justice. CLDC stands in solidarity with Steven Donziger to expose this horrible abuse of the Courts and to defend him as an activist, public interest lawyer, and person who has spent his life fighting for others. Mr. Donziger deserves to have freedom of movement, and continue his legal career fighting for a sustainable planet where Indigenous peoples and their lands are treated with respect, and where fossil fuel industry giants are held accountable for their actions.

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*The **Civil Liberties Defense Center** supports movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction.*

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